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Human rights and terrorism

Report of the Secretary-General*

Summary

The present report, submitted in accordance with General Assembly resolution 56/160, summarizes the replies received to a note verbale sent by the Office of the United Nations High Commissioner for Human Rights seeking the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate those victims.

* This report is submitted with a delay in order to contain replies from Governments.

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1. In its resolution 56/160, the General Assembly expressed its solidarity with the victims of terrorism and reiterated its unequivocal condemnation of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States. The Assembly called upon States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism; called upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations; and requested the Secretary-General to continue to seek the views of Member States on the implications of terrorism for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society.

2. The present report, submitted in accordance with resolution 56/160, summarizes the replies received from the Governments that responded to a note verbale sent by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 3 October 2003. It will be recalled that the views of a number of States on the subject of human rights and terrorism were incorporated in the Secretary-General's previous report on the subject (A/56/190).

Costa Rica

3. The Government of Costa Rica referred to its response to an earlier letter sent by OHCHR seeking the views of States on General Assembly resolution 57/219 of 18 December 2002, entitled "Protection of human rights and fundamental freedoms while countering terrorism". In that response, the Government reiterated its vehement condemnation of terrorism in all its forms, while also stressing the vital importance of conducting the fight against terrorism in strict conformity with international law, and particularly with human rights. Its commitment to peaceful conflict resolution had led it to take initiatives that clearly demonstrated its pacifist position. On terrorism, the Government firmly supported the need for joint action and coordination among States, while recognizing that each State bore an important responsibility with respect to its own inhabitants, with special attention needing to be paid to persons and groups working in favour of human rights. The integration of those two approaches served to strengthen the vision of democracy and social justice to which all States Members of the United Nations aspired, and permitted international security to be seen as a delicate concept in which social and economic stability played a major role. The Government noted that it had expressed its condemnation of terrorism and had urged strong action, with strict respect for human rights, at numerous international and regional meetings, had ratified a number of relevant international instruments and had taken concrete action at the national level to confront terrorism.

Turkey

4. The Government of Turkey stated that terrorism was an act of violence aimed at eradicating the basic human rights while threatening the territorial integrity and security of States. By its very nature, terrorism was a violation of the right to

freedom from fear, which was included in the preamble to the Universal Declaration of Human Rights, and of article 3 of the Universal Declaration, asserting the right of everyone to life, liberty and security of person. Furthermore, the perception that human rights could only be violated by States is not in conformity with article 30 of the said Declaration. Article 30 reads: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in an activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein". Terrorists also violated human rights, first and foremost, the most valuable human right, the right to life.

5. The Government of Turkey stated that, within this context, terrorism had a negative impact on the full enjoyment of all human rights and fundamental freedoms. It also had adverse implications for the economic and social development of countries, since States had to allocate precious and limited resources, including their human resources, to combat terrorism. The Government stated that, since the 1960s, Turkey had been the target of every kind of terrorism, and it was prepared to share its experiences in fighting against terrorism in order to safeguard the human rights of its people.

6. The Government of Turkey stated that, in the last decade, terrorism had acquired a vast technological and destructive potential in pursuing its objectives. The terrorist attacks of 11 September 2001 had shown the increased importance of studies on terrorism and human rights. The events of 11 September and afterwards had shown that no country was immune from terrorism. Even though terrorists might operate within the national territory of a country, it was not always possible to carry out terrorist activities without the support of foreign elements located in other countries in the fields of logistics, personnel, financing and training. That was why further emphasis should be placed on the responsibility of States that supported terrorism, directly or indirectly. Turkey wished to recall the commitment of each member of the international community, arising first and foremost from the Charter of the United Nations but also from other international instruments, not to provide a safe haven and not to accord impunity to terrorists.

7. Turkey stressed that associating terrorism with any particular religion, religious belief, tradition or national culture was unacceptable. Culture and religion should serve in the creation of an atmosphere of cooperation and reconciliation, but not conflict. In today's atmosphere, terrorists used national and religious values only to lead people towards their goals. Associating terrorism with a particular religion, ethnic identity, colour, race, or geography was, therefore, only in the interest of terrorists and should be rejected categorically.

8. The Government stated that the argument that terrorism could be prevented by eliminating its root causes was frequently exploited by terrorist organizations and could even be interpreted as legitimizing terrorism by creating the misperception that positive developments, including progress in human rights, could be achieved via terrorism. Terrorism, whatever its motives, was intolerable and unjustifiable.

9. Turkey believed that regional and international cooperation to combat terrorism, which would also safeguard the basic human right to life, was fundamental. To that end, Turkey had become party to all of the present international conventions regarding terrorism. Turkey had also always supported the resolutions submitted to the General Assembly and the Commission on Human Rights entitled "Human rights and terrorism". The lack of a universally agreed-upon

definition of terrorism stemmed from the varying perceptions of terrorism by States based on political and ideological reasons. A consensus on the difference between terrorism and a struggle for national liberation did not exist. It was still one of the disputed and unsettled issues in the Sixth Commission of the General Assembly concerning the drafting of a comprehensive convention on international terrorism. Such a convention would have an important function in helping States reach a common understanding.

10. The Government of Turkey stated that it had been doing its utmost to rehabilitate and reintegrate victims of terrorism by all means available. For that reason, Turkey welcomed the idea of establishing a voluntary fund for the victims of terrorism. However, Turkey also believed that this was another sensitive issue that might be affected by the lack of a clear definition of terrorism.

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11. The full text of the replies received are available for consultation in the Secretariat.